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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,676	07/20/2001	Adam Geoffrey Kerrison	3882/7	3192
29858	7590	12/21/2004	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022			QURESHI, SHABANA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/910,676	KERRISON ET AL.	
	<b>Examin r</b>	<b>Art Unit</b>	
	Shabana Qureshi	2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/21/03, 9/3/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 9/3/02 and 4/21/03 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalyanpur et al (US Patent No. 6,359,976).

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In regard to claim 1, Kalyanpur teaches a method for providing an improved network monitoring system, the network monitoring system comprising an event database for storing event data representing events occurring on the network, the event data being gathered by a plurality of monitoring devices located at a plurality of different, remote locations on the network, the method comprising:

- allowing users to insert one or more triggers into the event database, the triggers automatically initiating a programmed response at the detection of a condition including on gathered event data prior to insertion of the gathered event data into the event database (column 10, lines 15-20; column 15, lines 50-55);
- distributing the event database to a plurality of remote network locations wherein each remote network location stores a local table containing event data generated at the remote location and one or more replica tables containing event data generated at other remote locations, and wherein a union of the local and replica tables is generated to form a combined event database at the remote location (column 9, lines 13-18; column 12, lines 3-13); and
- using triggers and local and replica table unions during delivery of event data to users of the network monitoring system (column 4, lines 10-19).

As to claim 2, Kalyanpur teaches the method of claim 1, comprising providing a notification component for registering similar client requests for event data and substantially contemporaneously delivering requested event data to all clients having similar registered requests (column 3, lines 10-15; column 9, lines 55-60).

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As to claim 3, Kalyanpur teaches an event database for use in a network monitoring system, the event database storing event data representing events occurring on the network, the event data being gathered by a plurality of monitor devices located at a plurality of different, remote locations on the network (column 12, lines 3-13), the event database comprising:

- an automation engine for processing one or more triggers contained in the event database, the triggers automatically initiating a programmed response at the detection of a condition including on gathered event data prior to insertion of the gathered event data into the event database (column 10, lines 15-20; column 11, lines 60-67; column 15, lines 50-60);
- a local table stored at each remote network location containing event data generated at the remote location (column 12, lines 3-13); and
- one or more replica tables stored at each remote network location containing event data generated at other remote locations, wherein a union of the local and replica tables is generated to form a combined event database at the remote location (column 12, lines 3-13).

As to claim 4, Kalyanpur teaches a method for handling event data from monitored sites in a computer network, comprising:

- receiving event data from the sites at a monitoring location (column 12, lines 3-13);
- when received at the monitoring location, pre-processing the event data before the event data is inserted into an event database to determine if a condition is met as set forth in a trigger (column 12, lines 49-58); and

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- if the trigger condition is met, initiating an action relating to the event data, the action being defined in the trigger (column 12, lines 49-58).

As to claim 5, Kalyanpur teaches the method of claim 4, wherein pre-processing the event data comprises determining whether the event data comprises a duplication of other event data in the event database or received at the monitoring location (column 4, lines 33-45).

As to claim 6, Kalyanpur teaches the method of claim 5, wherein initiating the action comprises denying storage of the event data in the event database if it comprises a duplication of other event data (column 20, lines 19-21).

As to claim 7, Kalyanpur teaches the method of claim 4, wherein if the event data does not meet the condition, it is temporarily stored outside the data store (column 19, line 59 – column 20, line 7).

As to claim 8, Kalyanpur teaches the method of claim 4, wherein for event data received at the monitoring location, a query is executed, and a condition is evaluated, which, if true, causes the execution of the action (column 19, lines 26-50, Table 8).

As to claim 9, Kalyanpur teaches the method of claim 8, wherein the action comprises at least one of a sequence of Structured Query Language (SQL) statements and an external script (column 15, lines 50-58).

As to claim 10, Kalyanpur teaches the method of claim 4, wherein the trigger has a coupling mode that indicates when the action should be executed (column 19, lines 50-53).

As to claim 11, Kalyanpur teaches the method of claim 4, wherein the trigger allows an administrator of the network to connect events, conditions and actions (column 17, lines 22-44).

As to claim 12, Kalyanpur teaches the method of claim 4, wherein the event data comprises a primitive event (column 17, lines 59-61).

As to claim 13, Kalyanpur teaches the method of claim 4, wherein the event data comprises a database event (column 17, line 62).

As to claim 14, Kalyanpur teaches the method of claim 4, wherein the event data comprises a temporal event (column 17, line 64).

As to claim 15, Kalyanpur teaches the method of claim 4, wherein the trigger comprises a database trigger (column 17, lines 66-67).

As to claim 16, Kalyanpur teaches the method of claim 4, wherein the trigger comprises a temporal trigger (column 17, line 64).

As to claim 17, Kalyanpur teaches the method of claim 16, wherein the temporal trigger signals an event at a determined frequency from a specified start time until a specified end time (column 17, 63-64).

As to claim 18, Kalyanpur teaches the method of claim 4, wherein initiating an action comprises communicating a message in accordance with the event data to at least one customer location that has subscribed to receive the event data, and storing the event data in a data store at the monitoring location (column 8, lines 17-31).

As to claim 19, Kalyanpur teaches the method of claim 18, wherein the pre-processing occurs, at least in part, during a period when the data store is inaccessible (column 19, lines 26-41).

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As to claim 20, Kalyanpur teaches the method of claim 18, wherein the message communicated in accordance with the event data comprises a union of at least event data of a local network and event data of a remote network (column 12, lines 3-13).

As to claim 21, Kalyanpur teaches the method of claim 20, wherein the union comprises a union of event data tables (column 12, lines 3-13).

As to claim 22, Kalyanpur teaches the method of claim 4, wherein a plurality of monitoring locations are provided in the network, each having locally-generated event data, and a replica of remotely-generated event data (column 12, lines 3-13).

As to claim 23, Kalyanpur teaches the method of claim 22, wherein the monitoring locations update one another with their event data (column 12, lines 30-39).

As to claim 24, Kalyanpur teaches the method of claim 22, wherein at least one monitoring location is enabled to take ownership of a replica of remotely-generated event data to make modifications thereto without instructions from the remote monitoring location associated therewith (column 12, lines 40-58).

As to claim 25, Kalyanpur teaches a system for handling event data from monitored sites in a computer network, comprising:

- means for receiving event data from the sites at a monitoring location (column 12, lines 3-13);
- means for pre-processing the event data, when received at the monitoring location, to determine if a condition is met for setting a trigger (column 12, lines 49-58); and
- means for communicating a message, if the trigger is set, in accordance with the event data to at least one customer location that has subscribed to receive the event data, and



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storing the event data in a data store at the monitoring location (column 9, lines 13-18; column 12, lines 3-13).

As to claim 26, Kalyanpur teaches an event database for use in a network monitoring system, the event database storing event data representing events occurring on the network, the event data being gathered by a plurality of monitor devices located at a plurality of different, remote locations on the network (column 12, lines 3-13), the event database comprising:

- a local table stored at each remote network location containing event data generated at the remote location (column 10, lines 15-20; column 11, lines 60-67; column 15, lines 50-60);
- one or more replica tables stored at each remote network location containing event data generated at other remote locations (column 12, lines 3-13); and
- means for generating a union of the local and replica tables to form a combined event database at the remote location (column 12, lines 3-13).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (571) 272-3990.

The examiner can normally be reached on Monday - Thursday, 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi  
Examiner  
Art Unit 2155

SQ  
12/13/04



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SENIOR PATENT EXAMINER